

# Civil liability in healthcare

## Abstract

The topic of this master thesis is civil liability in healthcare. The aim of the author of this master thesis was to provide an analysis of the existing legislation, while also discussing individual aspects of legal liability, *lex artis* and as well as the individual *actus reus* of the duty to provide compensation for damage.

The first chapter of the thesis deals with the hierarchical division of relevant legal sources with a focus on the regulation concerning the term *lex artis*. In the area of international law, the Convention on Human Rights and Biomedicine is discussed, which can be considered as a basis for national regulation, namely the Health Services Act. In conclusion, a brief explanation of the Code of Ethics issued by the Czech Medical Chamber is provided.

In the second chapter, the concept of civil liability and its influence on civil liability is explained first and then the author of this master thesis discusses the individual conceptual theories of civil liability. It specifically concerns civil liability as a threat of sanction, sanction conceptual theory, other concepts of legal liability and a current view on this issue. It is followed by individual conditions of liability and its functions.

The third chapter deals with the terminological analysis of *lex artis* and its interpretative difficulties. This is analyzed in context with relevant legislation, namely its role in the Convention on Human Rights and Biomedicine, the Civil Code and the Health Services Act.

The subject of the last chapter is to provide an overview of the individual *actus reus* of the duty to provide compensation for damage as they are stated in the Civil Code. They are subdivided into general and special *actus reus* in this chapter, which include damage caused by person unable to assess the consequences of their acts, damage from operating activities, damage caused by particularly hazardous operation, damage caused by a thing, damage caused by a product defect, damage to a thing left at a particular place, damage to a thing brought inside, and lastly damage caused by information or advice.

**Keywords:** civil law, civil liability, medical law